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>> foils. During the search, Richard Modrell informed officers that he had a firearm in the basement and that his father had firearms in the upstairs portion of the residence.

While in the basement residence Riddle observed that it had a bathroom with bathing facilities and a kitchen. Riddle also observed a carpeted stairwell with a door leading to the upstairs portion of the house. The door had locks on both sides. Riddle did not check the door to determine if it was locked.

After finding the methamphetamine foils, Riddle placed Richard Modrell under arrest and handcuffed him. Richard Modrell and Lindsey were both detained by a deputy in the basement living room. Riddle then proceeded back around the residence and onto the porch. Riddle informed Phillip Modrell that drugs had been discovered in the basement and that everyone was being detained while the police secured the entire residence for a search warrant. Phillip Modrell objected to Riddle's entry into his upstairs residence without a search warrant. Phillip Modrell states that Riddle told him that he was coming in anyway while simultaneously making a gesture to reach for his side. Phillip Modrell interpreted this gesture as Riddle reaching for his gun. Defendants state that Riddle requested that all occupants of the residence come outside onto the carport with him, and that Phillip Modrell indicated that his mother-in-law was not physically capable of doing so and that Phillip Modrell's grandchild was asleep upstairs.

Defendants said during this conversation, Riddle observed Lindsey's daughter

enter the upstairs portion of the home through the door at the top of the carpeted stairwell that connected the two residences. Defendants said Riddle then entered the home and remained there until the search warrant arrived. Sometime after Riddle had entered and secured the upstairs area, Hayden arrived and also entered the upstairs residence.

Proceeding pro se, Phillip Murray Modrell sued Riddle, Hayden, and Deputy Sheriff Matt Carter under 42 U.S.C. § 1983 for violating his rights under the Fourth, Fifth and Fourteenth Amendments of the U.S. Constitution and committing various state torts. The district court granted summary judgment to Hayden and Carter on Modrell's constitutional claims against them, but held that Riddle was not entitled to qualified immunity from Modrell's Fourth Amendment claims of warrantless entry and his state-law claims of trespass and false-imprisonment.

In beginning its analysis, the court stated: "Qualified immunity is a question of law, but 'where the legal question of qualified immunity turns upon which version of the facts one accepts, the jury, not the judge, must determine liability.'" A defendant (here, Deputy Riddle) seeking to take an interlocutory appeal from the denial of qualified immunity 'should be prepared to concede the best view of the facts to the plaintiff and discuss only the legal issues raised by the case.' Accordingly, this Court construes all factual disputes in Modrell's favor.

To determine if qualified immunity protects a government official's actions, the U.S.